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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,992	09/05/2003	Richard C. Walker	110273.302US1	6692
24395	7590	01/04/2006		
WILMER CUTLER PICKERING HALE AND DORR LLP THE WILLARD OFFICE BUILDING 1455 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004			EXAMINER JEFFERY, JOHN A	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/654,992

Applicant(s)

WALKER, RICHARD C.

Examiner

John A. Jeffery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20050127.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The examiner acknowledges applicant's resubmission of Sheet 1 of the Information Disclosure Statement filed Jan. 27, 2005. The examiner regrets the omission of the examiner's initials on certain foreign references due to an inadvertent oversight. Accordingly, to clarify the record, the examiner has initialed all references on that IDS and lined through duplicate citations that were previously indicated as considered by the examiner.

### ***Abstract***

The abstract of the disclosure is objected to because of the following informalities: In line 3, "cools" must be changed to "cool" and the semicolon after "together" deleted. In line 5, a comma must be inserted after "modality." In line 7, "it" must be changed to "the signal" for clarity. Correction is required. See MPEP § 608.01(b).

### ***Disclosure Objections***

The disclosure is objected to because of the following informalities:

The examiner acknowledges applicant's submission of new Figures 30A-C and 30D-G and amendment to the Brief Description of the Drawings section briefly describing these figures. However, applicant must also refer to these new figures in the

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detailed description section of the specification for clarity. Appropriate correction is required.

In the amended Brief Description of the Drawings section (i.e., Page 5), a period must be inserted after "circuits" to complete the sentence.

### ***Claim Objections***

Claims 1-8 are objected to because of the following informalities:

Claim 1: In line 1, the preamble limitation "[a] claim according to claim 2" must be changed to "[a] security seal system according to claim 2" for proper reference to independent claim 2 from which claim 1 now depends. In line 5, the phrase "the opposite poles of the same power source on" must be changed to "opposite poles of an identical power source connected to" for clarity and brevity. In lines 9 and 10, "a substance of" must be deleted for brevity.

Claim 4: In line 1, "security seal" must be inserted before "system" for consistency.

Claim 5: In line 8, the phrase "the opposite poles of the same power source on" must be changed to "opposite poles of an identical power source connected to" for clarity and brevity.

Claim 7: In line 2, "activating" must be changed to "activates" and the comma deleted after "process."

Appropriate correction is required.

***Claim Rejections - 35 U.S.C. § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2: In lines 3 and 5, no antecedent basis exists for "the metal strip" and "the thin wire" respectively. For examination purposes, the examiner presumes that applicant intended these limitations to be commensurate with the "conductive metal wire or thin metal strip" claimed in claims 1 and 4. Accordingly, in line 3, "the metal strip" must be changed to "a conductive metal wire or thin metal strip." Similarly, in line 5, "the thin wire" must be changed to "the conductive metal wire or thin metal strip."

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 USC 102(b) as being anticipated by Baggott (US 2,662,045). The scope and breadth of the claim language does not preclude Baggott (US 2,662,045) who discloses a system for bonding comprising thin metal strip 13

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coated with plastic resin 12 that melts when current is applied to the metal strip.

"Security switch" CS permits the shorted condition of the power source through the metal strip thus producing heat.

### ***Allowable Subject Matter***

Claims 1, 3, and 4 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112 and to include all of the limitations of the base claim and any intervening claims.

Claims 5-8 are allowable over the art of record.

### ***Response to Arguments***

Applicant's arguments filed 10/13/05 have been considered but are not deemed to be persuasive in part. As noted in the rejection, Baggott fully reads on independent claim 2 due to its scope and breadth.

Moreover, although applicant argues on Page 11 of the remarks submitted 10/13/05 that claim 2 is dependent, applicant's amendments to both claims 1 and 2 suggest otherwise. In particular, the preamble to claim 1 was amended to refer to claim 2. Moreover, claim 2 was amended to remove its dependency on claim 1. Thus, claim 1 now depends from independent claim 2. However, if applicant actually intended for claim 2 to depend from claim 1 as suggested in the remarks, then appropriate claim amendments must be made to clarify the record.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Jeffery whose telephone number is (571) 272-4781. The examiner can normally be reached on Tuesday - Friday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans, can be reached on (571) 272-4777. All faxes should be sent to the centralized fax number at (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John A. Jeffery", with a stylized flourish extending from the end.

**JOHN A. JEFFERY  
PRIMARY EXAMINER**

**12/23/05**